## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO WESTERN DIVISION

BILLY BRANTLEY, et al.	Jan 105
DIEDI DIANTELI, et al.	
Plaintiffs,	$\gamma_{\nu}^{\prime \nu}  _{e}$
	) ol
v.	) Case No. C-1- <del>02</del> -378
	) Judge Susan J. Dlott
CINERGY CORP.,	)
	)
Defendant.	

## **UNOPPOSED MOTION TO CONTINUE TRIAL DATE**

Come now the Plaintiffs and move this Honorable Court to reschedule the trial of this matter which is presently set for February 21, 2006. In support of this Motion, the Plaintiffs state as follows:

- 1. This case is currently set for trial on February 21, 2006.
- 2. Plaintiffs' counsel in this matter is also scheduled for a trial of another matter, Morgan, et al. v. Family Dollar, CV: 01-C-0303-W, in Federal District Court in Tuscaloosa, Alabama beginning on February 21, 2005. Morgan is a collective action for over 1400 opt-in plaintiffs throughout the United States that was tried for two to three weeks in June of 2005 and resulted in a hung jury. The re-trial of Morgan cannot be rescheduled and will last two to three weeks.
- 3. This is the first setting of this case for trial since the lifting of the Order Staying Case (Doc. 50). Moreover, the Defendant's Motions for Summary Judgment, which have already